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OFFICE OF PETITIONS

In re Application of :
Mastri et al. :
Application No. 09/625,886 : ON PETITION
Filed: July 26, 2000 :
For: SURGICAL STAPLER :
:

This is a decision on the Petition for an Unintentionally Delayed Benefit Claim Pursuant to 37 CFR 1.78(a)(3), filed January 31, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior filed nonprovisional application, number 08/546,253, filed October 20, 1995, which is properly treated as a petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6), for correction of the claim of priority in the above-identified application.

This Petition is hereby **dismissed as moot.**

Applicable Law

The instant application was filed on July 26, 2000. Petitions under 37 CFR 1.78(a)(6) for acceptance of a delayed priority claim under 35 U.S.C. § 119 and under 37 CFR 1.78(a)(3) for acceptance of a delayed priority claim under 35 U.S.C. § 120 are only applicable to those applications filed on or after November 29, 2000. See MPEP § 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the petition fee, \$1370.00, has been refunded to Petitioner's Deposit Account as authorized in the instant petition.

The application file is being referred to Technology Center Art Unit 3721 for processing of the amendment.

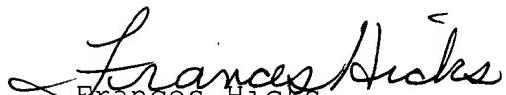
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